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REPORT ON
LENGTHENS GOVERNOR'S TIME FOR POSTSESSION VETO OR APPROVAL OF BILLS
(State Measure No. 2)

Purpose: "Amends state constitution. Extends from 20 to 30 days the time after adjournment that Governor may hold bills presented for signing after fifth day before legislative session ends. Permits voter referendum petition process to start before Governor approves bill. May thus extend time to collect referendum signatures, but will shorten time to collect signatures for bills presented to Governor more than 20 days after adjournment. Vetoed bills must be returned by Governor with written objections."*

To the Board of Governors,
City Club of Portland:

I. INTRODUCTION

State Measure No. 2 is a proposed amendment to the Oregon Constitution, referred to the people by the 1981 legislature at the request of Governor Atiyeh. (See Appendix B for exact wording of the amendment.)

Under present procedures, a bill passed during most of the legislative session is routinely signed by the President of the Senate and the Speaker of the House after passage by the respective bodies; it is then forwarded to the Governor who has five days to sign the bill (indicating his approval), return it to the originating body with his veto, or allow it to become law without his signature. Bills containing an emergency clause become law immediately after the Governor signs them or after the five days have elapsed. All other bills take effect 90 days after the legislature adjourns.


Bills passed less than five days before the legislature adjourns are subject to the same procedure except that the Governor has 20 days to sign, veto or allow the bill to become law without his signature.

Petitions to refer a bill to the voters may begin to be circulated as soon as the Governor has signed the bill. If enough signatures are collected within 90 days after adjournment, the bill does not take effect until voted upon by the people at the next regular election; otherwise the bill goes into effect 90 days after adjournment.

* Representative Wally Priestley challenged the original wording of the ballot title on the grounds that there should be more emphasis on the possibility of interference with the people's right of referendum. The Supreme Court's final decision produced the present wording of the Purpose.


The following timeline shows the present procedures for bills passed less than five days before adjournment:

PRESENT PROCESS

End of Session	20 days	90 days
		
Governor has 20 days to sign, veto or let bill become law without his signature.	Collection of referendum signatures starts when Governor signs bill. Time for collection of referendum signatures is at least 70 days.	Bill becomes law unless vetoed by Governor or referred to the voters.

PROCESS UNDER MEASURE 2

Measure 2 would increase the time from 20 to 30 days for the Governor's consideration of a bill passed by the legislature and would allow the referendum process to start when the bill is signed by the presiding officers of both houses. However, the Constitution (Art. IV, Sec. 25) has no provision for the time when a bill must be signed by the President of the Senate and the Speaker of the House (see Appendix A). Measure 2 does not increase the 90 day period in which the referendum petition must be filed and does not set a deadline by which the presiding officers must sign the bill. Therefore, any bill signed by the presiding officers after the 20 day period necessarily reduces the time in which to obtain referendum signatures (see timeline below). A proposed statutory change to be introduced at the 1983 legislature could correct this problem.

End of Session	20 days	30 days	90 days
			
Governor has 30 Instead of 20 days to act on bills.			Bill becomes law unless vetoed by Governor or referred to the voters.
Collection of referendum signatures starts when presiding officers of both houses sign bill. Time for collection of referendum signatures is usually <u>more</u> than 70 days before bill becomes law; however, the Constitution does not specify a deadline for presiding officers' signatures. If signing did not occur until 30 days after adjournment, for example, the time for obtaining signatures would be shortened to 60 days.			

II. HISTORY

A bill to increase the post-adjournment period for the Governor's action on bills from 5 days to the present 20 days was adopted at the 1937 legislative session. The Constitutional amendment was adopted by the people on November 8, 1938.

The 1937 legislative session adjourned almost four months earlier than the 1979 legislature and five months earlier than the 1981 session; the Governor considered approximately 500 bills during the entire 1937 session. In 1979, Governor Atiyeh considered nearly 600 bills in the 20 days after the legislature adjourned (roughly two-thirds of all bills passed by the 1979 legislature). During the 1981 session, 937 bills were passed; of

those, 384 were sent to the Governor after adjournment. Although the Governor and his staff reviewed fewer bills at the end of the 1981 session, they still reviewed and made decisions on more than 40 percent of the total number of bills after adjournment.

III. ARGUMENTS ADVANCED IN FAVOR OF THE MEASURE

1. Additional time to study and consider new legislation is needed by the Governor and his staff because of the increase in the volume of bills passed at the close of the legislature.
2. The extra 10 days will allow more time for public input to the Governor's office.
3. Allowing referendum petitions to be circulated after the presiding officers have signed new bills should extend the time for gathering referendum signatures; rarely would the signature period be shortened.

IV. ARGUMENTS ADVANCED AGAINST THE MEASURE

1. The increase in number of bills has not been that great. The Governor and his staff should be keeping up with legislation throughout the legislative session. More time is not needed.
2. The amendment infringes on the people's referendum rights because a presiding officer who neglects or delays the signing of a bill until after adjournment of the legislature will shorten the time for gathering referendum signatures. This creates the possibility of giving the presiding officers an inappropriate influence over the referendum process.

V. DISCUSSION

Your Committee found very little disagreement among legislators on the intent of the proposed amendment; your Committee believes that giving the Governor an additional 10 days to consider bills passed at the often- hectic end of a legislative session is reasonable in light of the increase in the number of bills to be dealt with since the deadline was extended in 1937.

Your Committee believes that the possibility of shortening the time for obtaining signatures to refer the bill to a vote of the people is a valid concern and that a possible interference with the right of referendum is a significant problem. That the legislature recognized this problem yet failed to produce a satisfactory solution to it suggests inexcusable carelessness.

However, witnesses suggested that the oversight could be corrected during the 1983 session by means of a simple statute, with an emergency clause under which the correcting legislation would be effective immediately upon being signed by the Governor. Such a statute could provide that, in any instance in which a bill had not been signed by the presiding officers of the respective houses within 20 days after passage, the bill would be deemed to have been signed for purposes of referendum. Since Article IV, Section 25, of the Constitution does not specify a deadline for signatures, such a statutory change would clarify the Constitutional requirement and no further amendment would be needed.

The proposed Constitutional amendment deals with bills to be considered at the end of the legislative session; the statutory clarification could be passed some months prior to that time. Your Committee has received assurances from several legislators that such a bill will be introduced at the beginning of the 1983 Session if Measure 2 is passed in November. Legislators we contacted expected that this "housekeeping" bill should meet with no significant opposition.

A "No" vote on Measure 2 could return the issue to the legislature to be corrected and presumably re-submitted to the people. Voter's Pamphlet cost of re-submitting the measure to another vote is estimated by the Secretary of State's Office at \$20,000. Although this amount is miniscule in proportion to the state's current budget deficit, your Committee deemed such an expenditure a waste of scarce public funds. The problem is primarily theoretical and technical; as a practical matter, the delay in the referendum process is unlikely to arise.

VI. CONCLUSION

Your Committee supports the Intent of Measure 2 and agrees that the 10 day extension of time for the Governor to consider bills at the close of the legislative session is both needed and reasonable. While we share the concern of opponents of the Measure about possible interference with the people's right of referendum, we find that this problem can be corrected by a statute to be introduced at the 1983 Legislature and have received legislators' assurances that such action will be taken.

VII. RECOMMENDATION

Your Committee therefore recommends a "Yes" vote on Ballot Measure 2.

Respectfully Submitted,

Eva Veazie
Jerrold Isom
C. Kent Roberts
B.J. Seymour, Chairman

Approved by the Research Board on September 9, 1982 for transmittal to the Board of Governors. Received by the Board of Governors on September 20, 1982 and ordered published and distributed to the membership for discussion and action on October 22, 1982.

APPENDIX A Persons Interviewed

Kathleen Beaufait, Legislative Counsel's Office
Jane Cease, State Representative, District 18
Jim Gardner, State Senator, District 10
Dell Isham, State Senator, District 2
Greg McMurdo, Assistant Secretary of State
Rod Monroe, State Senator, District 7
Glenn Otto, State Representative, District 23
Wally Priestley, State Representative, District 16
William Radakovich, Multnomah County Elections Officer
Jim Russell, Legal Counsel, Office of the Governor

APPENDIX B

Art. IV, Sec 25 of the Oregon Constitution provides:

"A majority of all the members elected to each House shall be necessary to pass every bill or joint resolution; and all bills, and joint resolutions so passed, shall be signed by the presiding officers of the respective houses."

Measure 2 would amend the Constitution as follows:

Article IV, Section 1:

"(3)(a) The people reserve to themselves the referendum power, which is to approve or reject at an election any Act, or part thereof, of the Legislative Assembly that does not become effective earlier than 90 days after the end of the session at which the act is passed. For purposes of this referendum power a bill shall be considered an "Act" when passed by a majority of each House and signed by the presiding officers of the respective Houses as provided in section 25, Article IV of this Constitution." (Underscored material to be inserted.)

Article V, Section 15b:

"Every bill which shall have passed the legislative assembly shall, before it becomes a law, be presented to the governor. If approved, the governor shall sign the bill. If the bill is not approved, the governor shall return it with written [; if he approves, he shall sign it; but if not, he shall return it with his] objections to that house in which it shall have originated... if any bill shall not be returned by the governor within five days (Sundays excepted) after it shall have been presented to [him] the governor, it shall be a law without [his] signature of the governor, unless the general adjournment shall prevent its return, in which case it shall be a law, unless the governor within [twenty] 30 days next after the adjournment (Sundays excepted) shall file such bill, with [his] written objections thereto, in the office of the secretary of state, who shall lay the same before the legislative assembly at its next session in like manner as if it had been returned by the governor." (Underscored material to be inserted; bracketed material to be deleted.)

APPENDIX C
Bibliography

- Petition to Review Ballot Title, Certified by David Frohnmayr, Attorney General. October 14, 1981.
- Answering Memorandum to Petition to Review Ballot Title. Oregon Supreme Court No. 28151.
- Priestley v. Paulus. 292 Or 243 (1981).
- Voters Pamphlet Material prepared by Secretary of State's Office on Measure 2. Arguments In Favor and Arguments Against.
- Letter from Jim Russell, Legal Counsel, Governor's Office, to the Committee with copies of his testimony on HJR 9.
- Letter from State Representative Wally Priestley to the City Club. July 14, 1982.